

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

August 14, 2008

A meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at the KBRC Conference Room, 2624 Research Park Drive, Room 304, Lexington, KY on Thursday, August 14, 2008.

MEMBERS PRESENT

Dr. Byron T. Westerfield, Chair
Klaus Becker, Vice-Chair
Tami McDaniel
Pat Fisher
Dr. Abdi Vaezy
James P. Bronson, Jr.
Jeff W. Knight

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Dr. Westerfield, Chairman called the meeting to order at 5:40 p.m., at the Board's conference room, in Lexington, KY.

Minutes

Tami McDaniel moved to approve the June 12, 2008 minutes; seconded by Jeff Knight. Motion carried unanimously.

Mrs. Moore advised regarding the state's e-Transparency website the following statement has been added on the Board's webpage:

*The KBRC Board is self-supporting and receives no general fund tax appropriation.
It is funded through fees assessed for licensing its professionals.*

Report from CEU Committee - Continuing Education

Pat Fisher reviewed and approved quite a few CEU submissions since the last meeting. Mrs. Fisher attended the Summer Forum of the AARC in Phoenix, AZ in July and learned large groups of therapists were taking online courses and then giving out answers to others to obtain CEU's without any hands-on knowledge to acquire the credits. She stated some states are asking that a standard be set on the number of online programs that a licensee may obtain. She shared one state had a group of individuals obtain 84 CEU's in 8 hours. The AARC has asked a Committee to come up with a plan on CEU's that will be reviewed during the AARC Conference in December in Anaheim, CA.

A motion was made by Jim Bronson to audit ten (10) percent of the 2,400 therapists who will renew in 2009 for continuing education and to charge a \$5.00 fee for applications and renewals

processed online with the exception of verifications which will incur a charge of \$2.00 for online processing; seconded by Jeff Knight. Motion carried unanimously.

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Ms. Lalonde reported Shirley Henderson is doing what she needs to do and her case is pending.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated Ms. Jackson has completed the terms of her Agreed Order and her probation is final and complete as of March 15, 2008.

Katrina A. Baker KY # 0208 – AO 4/20/06; Amended 3/16/07 & 8/9/2007

Ms. Lalonde advised Katrina Baker has not been complying with her KYPRN agreement and has failed to submit reports to Mr. Fingerson. The Board requested a letter be sent to Ms. Baker reminding her to comply with the terms of her KYPRN Agreement and to work with Mr. Fingerson as required.

Sharon Barnes KY # 0556 – AO 5/20/05 & Amended 8/17/06; March 18, 2008

Mrs. Moore advised the Board that the Grand Jury met in Clark County, Winchester, KY on June 9, 2008 and returned an indictment against Ms. Barnes. The Board received allegations on March 20, 2008 by Nurse's Registry, her former employer, and the Winchester Police Department, that Ms. Barnes had been arrested for stealing drugs at a patient's residence in Winchester. Mrs. Moore advised Ms. Barnes is due to appear in Court on August 14, 2008 for arraignment. The Board will await the outcome of the criminal case against Ms. Barnes.

Tami D. Balser KY # 2181 – KYPRN Agreement & AO 8/13/2008

Ms. Lalonde advised Tami Balser signed her Agreed Order on August 13, 2008. The Board approved issuance of Ms. Balser's 2007 renewal to work in the respiratory profession while she goes to nursing school. Ms. Balser will need to submit reports and documentation of compliance of the Board's Agreed Order and the KYPRN Agreement.

Old Business

Christina Bailey Email - Requesting Review and Reinstatement of Revoked Certificate

Mrs. Moore presented an email from Christina Bailey dated June 12, 2008 requesting reinstatement of her respiratory license that was revoked permanently in 2006. The Board tabled Christina Bailey's email until the August 14, 2008 meeting to allow legal counsel to advise the Board. Ms. Lalonde advised Ms. Bailey's license certificate was revoked permanently in 2006 and her case is closed until she addresses and delivers proof of rehabilitation since her revocation.

Mrs. McDaniel's Requesting Opinion Statement on Dual Shifts & Patient Abandonment

Mrs. McDaniel advised she had a phone call from Mary Hazelwood who works for a free standing emergency clinic (emergency room) that does not hold patients overnight but keeps them until they can be submitted to a hospital. Ms. Hazelwood had questions about working 24-hour shifts and what is the Board's position on "patient abandonment"? Mrs. McDaniel advised she investigated the inquiry and could not find any laws on "patient abandonment" however, the KY Nursing Board has their own statutes on "patient abandonment for nurses" and they issue opinion statements which she presented to the Board. Mr. Becker requested we table this request for the August 14, 2008 meeting when legal counsel could advise us on this inquiry.

Ms. Lalonde advised the Nursing Board has the statutory authority to issue Opinion statements and the KBRC Board does not. Mrs. McDaniel will email Mary Hazelwood on behalf of the Board that the Board declines to issue an opinion in this matter since we do not have statutory approval to issue Opinion statements like the Nursing Board.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Klaus Becker made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Pat Fisher, and carried unanimously.

Klaus Becker moved to come out of closed session; seconded by Tami McDaniel. Motion carried unanimously.

A. Kim Deaton – KY # 3627

Klaus Becker made a motion for legal counsel to draft an Agreed Order for Kim Deaton suspending her respiratory certificate for six (6) months and to schedule a hearing for Friday, October 10, 2008 at 9:00 a.m., at the Board's offices in the event Ms. Deaton does not agree with the Agreed Order. Furthermore, Ms. Deaton is requested to work with Mr. Fingerson and the KYPRN program and show six (6) months documented proof of continued sobriety and completion of the KYPRN program before she can apply for reinstatement of her respiratory license; motion was seconded by Tami McDaniel and carried unanimously.

B. Lynette K. Deibel – KY # 4730

Klaus Becker made a motion to assign the Lynette K. Deibel complaint case to Investigator Janet R. Vogt to investigate, if she is able to do so, and report her findings at the next meeting; motion was seconded by Jim Bronson and carried unanimously.

C. Delrena G. Lucas – KY # 5603

Klaus Becker made a motion to assign the Delrena G. Lucas case to Investigator Thomas G. Floro, to investigate, if he is able to do so, and report his findings at the next meeting; motion was seconded by Jim Bronson and carried unanimously.

D. Richard T. Dials – KY # 3996

Klaus Becker made a motion to continue the case pending Mr. Dials' response; motion was seconded by Tami McDaniel and carried unanimously.

New Business

Dennis W. Pope Revoked In MS BY AO & Pending 2009 KY Renewal # 4957

Ms. Lalonde advised Mr. Pope had entered into an Agreed Order in Mississippi in September 2007 for abandoning his patients and false charting. Mr. Pope agreed to surrender his license by Agreed Order in Mississippi for three (3) years expiring September 2010. Mrs. Moore advised his renewal is due for renewal in KY in January 2009. A motion was made by Tami McDaniel requesting legal counsel to draft an Agreed Order for three (3) year's probation expiring September 2011; motion was seconded by Klaus Becker and carried unanimously.

Maranda L. Wilkerson Requesting KY Licensure & Approved by TN Board

Tami McDaniel made a motion to approve the Mandatory Certificate of Maranda L. Wilkerson. Ms. Wilkerson reported she had a 1997 offense of Forgery/Fraudulent use of credit cards, completed her sentence, and paid all court costs; motion was seconded by Jim Bronson and carried unanimously.

Inquiry from Respiroics Re: Licensure of Therapists in KY

Mrs. Moore presented the Board with an FYI inquiry from Wendy Yates, Privacy and Compliance Leader with Respiroics Colorado, Inc. Ms. Yates was inquiring whether Respiroics employees needed a KY license. Mrs. Moore faxed information from the October 11, 2005 meeting that addressed the issue.

December meeting Changed to December 4, 2008 Due to AARC Conference

Mrs. Moore requested the Board to change the scheduled meeting of December 11, 2008 to a different date since board members leave early the morning of December 12 for the annual AARC meeting. The Board changed the meeting to a "special meeting" at Murrays on Thursday, December 4, 2008 at 5:30 p.m.

Mrs. Moore also suggested the Board invite Anna J. Jones and Wade Root to join us for the October 9, 2008 meeting. The Board agreed to invite and honor them for their past service to the Board.

Election of KBRC Chairman and Vice-Chairman for 2008-2009 Terms

Dr. Westerfield opened the floor for nominations for Chairman for the next year. Jim Bronson made a motion nominating Dr. Byron Thomas Westerfield to serve as Chairman of the Board for 2008-2009; there being no other nominations, Dr. Westerfield was elected Chairman; seconded by Dr. Vaezy. Motion carried unanimously.

Dr. Westerfield opened the floor for nominations for Vice-Chair for the next year. Dr. Vaezy made a motion nominating Tami McDaniel to serve as Vice-Chair of the Board for 2008-2009; there being no other nominations Tami McDaniel was elected Vice-Chair; seconded by Jeff Knight. Motion carried unanimously.

Dr. Westerfield stated he enjoys the Board and believes the group is working very effectively. He appreciates working with each member and looks forward to keeping the Board moving along with new thoughts and energy.

Mrs. Moore requested Mr. Becker's continued help in reviewing and approving applications before each meeting which saves a great deal of time during and after the Board meetings.

Jim Bronson, Educator - Inquiry Re: Students Working on Proper Certificates

Jim Bronson posed a question regarding students who passed the NBRC exams and were fined or got into trouble for working without a license for a day or so until they processed their license with the KBRC offices. Once a student graduates the program or passes the requisite CRT exam they move forward to the next licensure step and cannot work on the student licensure. Staff continually puts information in newsletters, on the website, and talks to department heads/schools to relay that students must obtain the appropriate credential.

Announcements

The next regular meeting will be held on Thursday, October 9, 2008 at 5:30 p.m., at the KBRC offices, 2624 Research Park Drive, Suite 304, Lexington, KY.

Application Review

A motion was made by Klaus Becker to accept all **70** applications since the last meeting; seconded by Jim Bronson. Motion carried unanimously.

The following **Student applications (16)** were approved:

Crystal L. Bailey, Melinda K. Cooler, Sarah M. Creekmore, Erin M. Culver, Alexandria R. Cummins, Alicia M. Dudley, Bethany E. Foster, Samantha J. Gambrel, Nicole E. Glockner, Jeff L. Hall, Jr., Anijoli R. Headen, Jason E. Higdon, Wendy R. Jackson, Felicia D. Knowles, Kelly J. Maione, Tasha N. Mathis, Gretchen M. McDowell, Dawn M. Money, Jessica R. Monroe, Greg Mulkey, Dustin W. Napier, Lucas B. Nicholson, Aaron M. Pyke, Michael J. Rafferty, Bernard J. Sheehan, Ashley N. Smith, Chris T. Traylor, Andrea L. Spangler, James B. Winkler and Aimee E. Worthington.

The following **Temporary applications (2)** were approved:

LaDonna K. Mullins and Katie Lea South.

The following **NBRC applications (29)** were approved:

Heather D. Abbott, Natasha B. Bratcher, Joshua D. Brown, Shelley E. Cameron, Aaron A. Defoe, James A. Elliott, Alleson E. Hadley, Melisa A. Hale, Thomas A. Hall, Christie M. Hawkins, Jessica M. Hutslar, Sabrina D. Johnson, Andrea L. Jones, Paula A. Longworth, Lyle J. McCarthy, Jr., Tammy Rae McDougal, Cody L. Mullins, Ruth E. Neal, James D. Patton, John B. Perry, Tina T. Peters, Victoria N. Rains, Robert W. Rose, Kathy L. Sarkisian, Ashleigh M. Shapinsky, Viet K. Tran, Brittany M. Treece and Christina Ventura.

The following **Reciprocity applications (11) were** approved:

Ruby J. Baker, Marcia D. Cunningham, Susan R. Deubell, Andrea L. Ferguson, Chastidy L. Fruchey, Thomas R. Harris, Melanie L. Mullins, Cara A. Richey, Pamela J. Short, Christi S. Martin and Maranda L. Wilkerson.

Tami McDaniel made a motion to adjourn the meeting at 8:10 p.m.; seconded by Klaus Becker. Motion carried unanimously.

Dr. B.T. Westerfield, Chairman
KY Board of Respiratory Care